

# HOUSE BILL No. 1361

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-10-2-15; IC 3-10-6-12.

**Synopsis:** Nomination of minor party candidates. Requires a political party that nominates all its candidates for local office by convention to nominate those candidates not later than noon on the date major party candidates are required to fill a candidate vacancy. Provides for the questioning of the validity of the nomination of the candidates and for the withdrawal of the candidates. (The introduced version of this bill was prepared by the census data advisory committee.)

**Effective:** Upon passage; July 1, 2004.

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**Richardson**

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January 20, 2004, read first time and referred to Committee on Elections and Apportionment.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1361

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-10-2-15, AS AMENDED BY P.L.66-2003,  
2       SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: Sec. 15. (a) This section applies to a political party  
4       whose nominee received at least two percent (2%) but less than ten  
5       percent (10%) of the votes cast for secretary of state at the last election  
6       for that office.

7       (b) This section applies only to a local office that is:

8           (1) not listed in IC 3-8-2-5; and

9           (2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

10       (c) A political party subject to this section shall nominate the party's  
11       candidate for a local office at a county convention of the party  
12       **conducted not later than noon on the date specified by**  
13       **IC 3-13-1-7(a)(1) for a major political party to act to fill a**  
14       **candidate vacancy.**

15       (d) The chairman and secretary of the convention shall execute a  
16       certificate of nomination in writing, setting out the following:

17           (1) The name of each nominee as:



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1 (A) the nominee wants the nominee's name to appear on the  
2 ballot; and

3 (B) the nominee's name is permitted to appear on the ballot  
4 under IC 3-5-7.

5 (2) The residence address of each nominee.

6 (3) The office for which each nominee was nominated.

7 (4) That each nominee is legally qualified to hold office.

8 (5) The political party device or emblem by which the ticket will  
9 be designated on the ballot.

10 Both the chairman and secretary shall acknowledge the certificate  
11 before an officer authorized to take acknowledgment of deeds.

12 (e) Each candidate nominated under this section shall execute a  
13 consent to the nomination in the same form as a candidate nominated  
14 by petition under IC 3-8-6.

15 (f) The certificate required by subsection (d) and the consent  
16 required by subsection (e) must be filed with the circuit court clerk of  
17 the county containing the greatest percentage of population of the  
18 election district for which the candidate has been nominated by the  
19 convention not later than noon ~~July 15~~ **on the date specified by**  
20 **IC 3-13-1-15(c) for a major political party to file a certificate of**  
21 **candidate selection.**

22 (g) A candidate's consent to the nomination must include a  
23 statement that the candidate requests the name on the candidate's voter  
24 registration record be the same as the name the candidate uses on the  
25 consent to the nomination. If there is a difference between the name on  
26 the candidate's consent to the nomination and the name on the  
27 candidate's voter registration record, the officer with whom the consent  
28 to the nomination is filed shall forward the information to the voter  
29 registration officer of the appropriate county. The voter registration  
30 officer of the appropriate county shall change the name on the  
31 candidate's voter registration record to be the same as the name on the  
32 candidate's consent to the nomination.

33 (h) **A question concerning the validity of a candidate's**  
34 **nomination under this section shall be determined by a county**  
35 **election board in accordance with IC 3-13-1-16.5(b) and**  
36 **IC 3-13-1-16.5(c).**

37 (i) **A nominee who wants to withdraw must file a notice of**  
38 **withdrawal in accordance with IC 3-8-7-28.**

39 SECTION 2. IC 3-10-6-12, AS AMENDED BY P.L.202-1999,  
40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2004]: Sec. 12. (a) This section applies to a political party:

42 (1) not qualified to conduct a primary election under IC 3-10; and

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(2) not required to nominate candidates by a petition of nomination under IC 3-8-6.

(b) The political party may conduct a convention to nominate candidates for city or town office **not later than noon on the date specified by IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate vacancy.**

(c) The chairman and secretary of the convention shall execute and acknowledge a certificate setting forth the nominees of the convention in accordance with IC 3-8-5-13. The certificate must be filed with the circuit court clerk of the county containing the greatest percentage of population of the municipality not later than noon ~~August 28~~ **on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.**

(d) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6. The consent must be filed with the certificate under subsection (c).

(e) A candidate's consent to the nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.

**(f) A question concerning the validity of a candidate's nomination under this section shall be determined by a county election board in accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).**

**(g) A nominee who wants to withdraw must file a notice of withdrawal in accordance with IC 3-8-7-28.**

SECTION 3. An emergency is declared for this act.

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